

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable William A. Stone, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Anthony Lauria, Deputy Clerk.

F027691 People v. Stokley

Cause called and argued by Eric Weaver, Esq., counsel for appellant. Robert Marshall, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

F027659 People v. Prewitt, Jr.

Parties stipulate that (1) Ardaiz, P.J., the absent assigned justice, participate in the determination of this appeal, and (2) Ardaiz, P.J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Candace Hale, Esq., counsel for appellant. Matthew Cate, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable William A. Stone, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Deputy Clerk.

F030558 Triad Worldwide Inc. v. California Nut Shellers et al.

Parties stipulate that (1) Ardaiz, P.J., the absent assigned justice, participate in the determination of this appeal, and (2) Ardaiz, P.J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Russell K. Ryan, Esq., counsel for appellant and by Michael Noland, Esq., counsel for respondent.

Cause ordered submitted.

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At this point Wiseman, J. leaves the bench and is replaced by Levy, J.

F028398 People v. Brandl & Tkac

Parties stipulate that (1) Ardaiz, P.J., the absent assigned justice, participate in the determination of this appeal, and (2) Ardaiz, P.J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Sarah Pattison, Esq., counsel for appellant Justin Brandl and by Matthew Cate, Deputy Attorney General, counsel for respondent. David Morse, Esq., counsel for appellant Steven Tkac waived oral argument.

Cause ordered submitted.

Court recessed until Wednesday, June 9, 1999 at 1:30 P.M.

F032713 People v. Warnock

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F032293 People v. Hernandez

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 38, California Rules of Court, it is further ordered that the remittitur issue forthwith.

F031129 People v. Brown

The portion of the judgment which imposed a fine under section 1202.45 is vacated. In all other respects, the judgment is affirmed. The trial court on remand shall prepare and transmit as appropriate an amended abstract of judgment.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033169 People v. Atencio

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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- F032085 In re Michael R. et al.,**
The judgment is affirmed. Buckley, J.
We concur: Dibiaso, Acting P.J.; Vartabedian, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F027717 People v. Barrientos**
The judgment is affirmed. Harris, J.
We concur: Ardaiz, P.J.; Vartabedian, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F032214 In re Maria Isabel M., a Minor**
The appeal is dismissed. Dibiaso, Acting P.J.
We concur: Vartabedian, J.; Buckley, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F031142 Gerawan Farming, Inc. v. Veneman et al.**
The order is affirmed. Costs on appeal are awarded to respondent.
Vartabedian, J.
We concur: Ardaiz, P.J.; Buckley, J.
[CERTIFIED FOR PUBLICATION]
- F030321 Daisy v. Board of Retirement of the Fresno County Employees Retirement Association**
The judgment is affirmed. Costs to respondent. Harris, J.
We concur: Ardaiz, P.J.; Buckley, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F028530 People v. Miller**
The judgment is affirmed. Harris, J.
We concur: Vartabedian, Acting P.J.; Buckley, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F033274 Razzari-Visalia, Inc. v. Superior Court, County of Tulare; Daugherty et al.
F032152

The order filed on May 26, 1999, consolidating the above entitled actions is vacated.

This court declines to issue a stay in F033274 at this time.

This court notes that F033274 remains pending.

F029062 People v. Jimenez

The judgment is affirmed. Buckley, J.

We concur: Ardaiz, P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031048 In re Anthony B., a Minor
F031750 In re Anthony B., a Minor

The appeal in case No. F031048 is dismissed. The judgment (termination order) in case No. F031750 is affirmed. Dibiaso, Acting P.J.

We concur: Thaxter, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031618 In re Andrea M., a Minor

The judgment is affirmed. Stone (W.A.), Acting P.J.

We concur: Wiseman, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F027370) People v. Wiltz

F027372)

F027869) In re Wiltz on Habeas Corpus

F027870)

F027871) In re Apicella on Habeas Corpus

F027872)

The judgment is affirmed. Petitions for writs of habeas corpus are granted in part and denied in part. Stone (W.A.), Acting P.J.

We concur: Dibiaso, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F031618 In re Andrea M., a Minor

The judgment is affirmed. Stone (W.A.), Acting P.J.

We concur: Wiseman, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F027812 People v. Flowers

The judgment is affirmed with modifications. Harris, J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F028104 Thomas v. Thompson

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed. Costs on appeal to respondent. Harris, J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F032683 People v. Fernandez

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.